

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

TYE GLENN CHAMP, JR.,

Plaintiff,

v.

SECRETARY OF CORRECTIONS, et al.,

Defendants.

Case No.: 1:23-cv-00336-KES-CDB

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS TO DISMISS ACTION  
FOR FAILURE TO STATE A CLAIM

Doc. 15

Plaintiff Tye Glenn Champ, Jr., is appearing pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. section 1983. The matter was referred to a United States magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

Plaintiff initiated this action on March 3, 2023. Doc. 1. On August 9, 2023, the assigned magistrate judge issued findings and recommendations to dismiss this action for plaintiff's failure to state a claim upon which relief could be granted. Doc. 15. Plaintiff was afforded fourteen days within which to file objections. *Id.* at 11. On August 25, 2023, plaintiff filed his objections. Doc. 17.

Pursuant to 28 U.S.C. § 636(b)(1), this Court has conducted a de novo review of this case. Having carefully reviewed the file, including plaintiff's objections, the Court finds the findings and recommendations to be supported by the record and proper analysis.

1       The magistrate judge correctly found that plaintiff's due process claim—and requests for  
2 declaratory relief and punitive damages—are moot, as plaintiff was provided with parole  
3 suitability hearings. Doc. 15 at 9–10. As plaintiff failed to state a claim for a due process  
4 violation, and as leave to amend would be futile given that plaintiff has been afforded parole  
5 suitability hearings, the magistrate judge correctly determined that dismissal without leave to  
6 amend is warranted.

7       Accordingly, **IT IS HEREBY ORDERED** that:

- 8       1. The Findings and Recommendations issued on August 9, 2023, Doc. 15, are  
9           **ADOPTED** in full;
- 10      2. Plaintiff's first amended complaint is **DISMISSED** without leave to amend for a  
11           failure to state a claim upon which relief can be granted; and
- 12      3. The Clerk of the Court is directed to terminate any pending motions or deadlines and  
13           to close this case.

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16 IT IS SO ORDERED.

17      Dated: May 15, 2025

  
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UNITED STATES DISTRICT JUDGE

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